



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Resolution Overruling Protest, Determining Convenience and Necessity, Adopting Engineer's Report, Confirming Assessment, and Ordering Acquisitions and Improvements

MEETING DATE: April 17, 1996

PREPARED BY: Public Works Director


RECOMMENDED ACTION: That the City Council adopt the attached resolution establishing the Central City Revitalization Assessment District.

BACKGROUND INFORMATION: Staff will be working with the Assessment District Engineer and Bond Counsel to provide the Council with the final status of the protests received on the District prior to the Council meeting and the "blank" in Paragraph 6 of the resolution will be filled in with the appropriate number.

As noted in the introduction to this entire agenda item, this report has been prepared on the presumption that the District will go forward as planned. Decisions changing this presumption may require other modifications to the resolution.

Also attached are three additional pages to the Engineer's Report describing project benefits.

FUNDING: Assessment District and General Fund


Jack L. Ronsko
Public Works Director

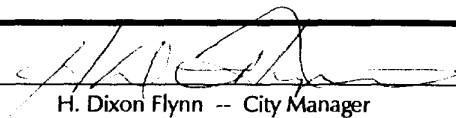
Prepared by Richard C. Prima, Jr., City Engineer

JLR/RCP/lm

attachments

cc: Timothy Hachman
Kjeldsen, Sinnock & Neudeck

APPROVED: _____


H. Dixon Flynn -- City Manager

ASSESSMENT DISTRICT BENEFITS

The focus of the Lodi Central City Revitalization Program strategy is to preserve and improve the condition, the appearance, and the commercial viability of the Lodi Central City's two primary business districts. The City and its consultants have developed a comprehensive revitalization package that includes incentive programs, marketing strategies, physical improvements, etc.. The physical improvements which are proposed to be constructed in the Downtown Zone and the Cherokee Lane Zone, and which are proposed to be funded in part by the Lodi Central City Revitalization Assessment District, are but one component of this comprehensive revitalization strategy.

Reference is made to the document entitled "City of Lodi, Central City Revitalization Program, Concept Development Phase", prepared for the City of Lodi by the urban design and planning firm of Freedman, Tung & Bottomley (FTB) in which the goals and objectives of the program, and how they were developed, are discussed in detail. The ultimate goal and objective of the Central City Revitalization Program is summarized best on page 4 of the FTB report as follows, "...the overall Central City Revitalization Strategy is: 'Invest Appropriately in Each District to Create Benefits in Adjacent Districts.'"

Downtown Zone (Zone A) Benefits

Those parcels located in the Downtown Core Area (Zone A-1) are expected to directly benefit from the physical improvements which will be constructed along the immediate frontage of those parcels in the Downtown Core Area, and from the comprehensive incentive program and business development strategies being formulated by the City of Lodi in support of the goals and objectives of the Lodi Central City Revitalization Program. Those specific benefits anticipated to accrue directly to the Downtown Core Area parcels will include, but will not be limited to:

1. Increased consumer traffic, both vehicular and pedestrian, which will translate into increased revenue-generating opportunities.
2. Increased property values resulting from the physical improvements to be constructed, and from the improved economic environment of the Downtown Core area and of the Lodi Central City area, in general.
3. Access to, and eligibility for incentive programs being developed by the City of Lodi as a separate component of this comprehensive program, with the specific purpose of encouraging reinvestment in the Lodi Central City business districts.

Those parcels located in the Downtown Remainder Area (Zone A-2) are expected to both directly and indirectly benefit from the physical improvements which will be constructed in the Downtown Core Area, and from the incentive program and business development strategies being formulated by the City of Lodi in support of the goals and objectives of the Lodi Central City Revitalization Program. Those specific benefits anticipated to accrue both directly and indirectly to the Downtown Remainder parcels will include, but will not be limited to:

1. Increased consumer vehicular traffic to the Lodi Central City area, which will translate into increased exposure to consumers and a corresponding increase in revenue-generating opportunities.
2. Increased property values resulting from the improved economic and physical environment of the Lodi Central City area, in general.
3. Eligibility for incentive programs being developed by the City of Lodi as a separate component of this comprehensive program.

Cherokee Lane Zone (Zone B) Benefits

Those parcels located in the Cherokee Lane Zone (Zone B) are expected to directly benefit from the physical improvements which will be constructed along the immediate frontage of those parcels along Cherokee Lane, and from

the business development strategies being formulated by the City of Lodi in support of the goals and objectives of the Lodi Central City Revitalization Program. The specific benefits anticipated to accrue directly to the Cherokee Lane Zone parcels will include, but will not be limited to:

1. Increased property values resulting from physical improvements to be constructed along Cherokee Lane, and from the improved economic environment of the Lodi Central City area, in general.
2. Increased consumer vehicular traffic to the Lodi Central City area, which will translate into increased exposure to consumers and a corresponding increase in revenue-generating opportunities.

RESOLUTION NO. 96-33

BEFORE THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA

A RESOLUTION OVERRULING PROTESTS, DETERMINING CONVENIENCE AND NECESSITY, ADOPTING ENGINEER'S REPORT, AS AMENDED, CONFIRMING ASSESSMENT, AND ORDERING THE ACQUISITIONS AND IMPROVEMENTS

LODI CENTRAL CITY REVITALIZATION ASSESSMENT DISTRICT NO. 95-1

RESOLVED, by the City Council of the City of Lodi, California, that

1. This Council adopted on September 20, 1995 its Resolution No. 95-123, a Resolution of Intention to Acquire and/or Construct Improvements in the above assessment district and to Refund Prior Bonds Issued (the "Resolution"), declaring that the public interest, convenience and necessity required, and that it intended to order, the acquisition and/or construction of certain public improvements (the "Project"), and refunding of prior bonds, all as more particularly described in the Resolution, and referred the Project to the Engineer of Work, being the officer having charge and control of such projects in and for the City of the kind described in the Resolution, and being a competent person employed by the City for that purpose;

2. The Council thereby directed the Engineer of Work to make and file with the City Clerk a report in writing in accordance with and pursuant to the provisions of Sections 2961 and 10204 of the California Streets and Highways Code (the "Code").

3. The report was duly made and filed with the City Clerk and presented to this Council for consideration and was preliminarily approved on February 21, 1996. The Council hereby finds that the report, as amended, and each and every part thereof, contains all the matters and things called for by the aforesaid provisions of the Code, including: (1) maps and descriptions of lands and easements, and a general description of the works or appliances to be acquired; (2) plans and specifications of the proposed improvements to be constructed as prepared by the Design Engineer; (3) estimate of costs of the Project, the refunding of the prior bonds and the incidental expenses related thereto; (4) an assessment diagram of the district; (5) the total amount, as near as may be determined, of the total principal sum of all unpaid special assessments, and special assessments required or proposed to be levied under any completed or pending assessment proceedings, other than that contemplated in the instant proceedings, which would require an investigation and report under Division 4 of the Code against the total area proposed to be assessed; (6) the total true value (estimated as the full cash value of the parcels as shown upon the last equalized assessment roll of the county), as near as

may be determined, of the parcels of land and improvements which are to be assessed; (7) a proposed assessment of the total amount of the costs and expenses of the Project upon the several subdivisions of land in the district in proportion to the estimated benefits to be received by such subdivisions, respectively, from the Project, the call of the Prior Bonds, and of the expenses incidental thereto; and (8) a proposed maximum annual assessment to pay costs incurred by the City and not otherwise reimbursed which result from the administration and collection of assessments or from the administration or registration of the bonds and reserve or other related funds, all of which was done in the form and manner required by the Code.

4. The Council appointed the regular meeting place of the Council, Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, as the place of the Public Meeting for the Council to hear all public testimony regarding the improvements and the assessment, and as the place of the Public Hearing for the Council to hear all protests in relation to the Project, and fixed Wednesday, March 6, 1996, at the hour of 7:00 P.M. as the time of the Public Meeting, and Wednesday, April 10, 1996, at the hour of 7:00 P.M. as the time of the Public Hearing.

5. Notice of the Public Meeting and Public Hearing was duly and regularly mailed in the time, form and manner required by the Code, as evidenced by the declaration on file with the City Clerk, and the Public Meeting and Public Hearing were duly and regularly held as above indicated.

6. 229 persons interested, objecting to the Project, or to the extent of the assessment district, or to the proposed assessment, filed written protests with the City Clerk at or before the time set for the hearing, and all persons interested desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the acquisitions and/or improvements were fully heard and considered by this Council;

NOW, THEREFORE, THE COUNCIL DOES HEREBY FIND, DETERMINE AND ORDER AS FOLLOWS:

1. The owners of one-half of the area of the property to be assessed for the cost of the Project and the refunding of the prior bonds did not, at or prior to the time fixed for the hearing, file written protests against the Project, or the extent of the assessment district, or the proposed assessment.

2. Any and all protests made either to the questions of the public interest, convenience and necessity of the Project under the Resolution, or to the Project, or to the extent of the assessment district, or the amounts of the several assessments, and all

persons desiring to be heard in relation to any of said matters, whether as protestants or otherwise, have been fully heard and considered, and any and all such protests are hereby overruled.

3. The total amount of the principal sum of all unpaid special assessments levied against the parcels proposed to be assessed (including those required or proposed to be levied under any completed or pending assessment proceedings, other than contemplated herein, which would require an investigation and report under Division 4 of the Code), plus the principal amount of the special assessments proposed to be levied in these proceedings, do not exceed one-half of the total value of the parcels proposed to be assessed (computed as the full cash value of the parcels as shown upon the last equalized assessment roll of the county), and the provisions of Division 4 of the Code shall not apply.

4. The district benefited by the Project and to be assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, is the district described in the Resolution.

5. The Engineer's estimate of the itemized and total costs and expenses of the Project, the advanced redemption of the prior bonds, and of the incidental expenses in connection therewith, contained in the report, as amended, be, and it is hereby finally adopted and approved as the Engineer's total and detailed estimate of the costs and expenses of the Project.

6. The plans and specifications for the Project improvements, contained in the report, as amended, be, and they are hereby finally adopted and approved as the plans and specifications to which the work shall be done as called for in the Resolution.

7. The maps and descriptions of the lands and easements to be acquired, as contained in the report, as amended, be, and they are hereby approved and confirmed.

8. The public interest, convenience and necessity require, and the Council hereby orders the Project to be done as described in and in accordance with the Resolution on file in the office of the City Clerk, reference to which is hereby made for a more particular description of the Project and for further particulars, pursuant to the provisions of the Code.

9. The diagram showing the assessment district referred to and described in the Resolution, and also the boundaries and dimensions of the respective subdivisions of land within the district as the same existed at the time of the passage of the Resolution, each of which subdivisions have been given a separate number upon the diagram, as contained in the report, as amended, be, and it is hereby finally approved and confirmed

as the diagram of the properties to be assessed to pay the costs and expenses of the Project.

10. All public streets and highways and other publicly owned property within the assessment district in use in the performance of a public function as such, excepting certain parcels owned by the City, are omitted from the assessment hereafter made to cover the costs and expenses of the Project.

11. The assessment of the total amount of costs and expenses of the Project, upon the several subdivisions of land in the assessment district in proportion to the estimated benefits to be received by the subdivisions, respectively, from the Project, the expenses incidental thereto, and the City's related annual administrative costs, as contained in the report, as amended, be, and the same is hereby finally approved and confirmed as the assessment to pay the costs and expenses of the Project, the advanced redemption of the prior bonds, and the City's related annual administrative costs.

12. The Engineer's Report, as amended, be, and it is hereby finally approved and confirmed as a whole.

13. The City Clerk shall forthwith deliver to the Public Works Director the assessment together with the diagram thereto attached and made a part thereof, as confirmed by this Council, with her certificate of such confirmation thereto attached and of the date thereof; and the Public Works Director shall record the diagram and assessment in his office in a suitable book to be kept for that purpose, and shall append thereto his certificate of the date of such recording, and such recordation shall be and constitute the assessment roll herein.

14. After the recording of the assessment and diagram in the office of the Public Works Director, the City Clerk shall file in the office of the County Recorder a copy of the assessment diagram and shall concurrently execute and record a notice of assessment in the office of the County Recorder in substantially the form provided in Section 3114 of the Code .

15. Upon the recording of the diagram and assessment, the Finance Director shall cause to be mailed to each owner of real property within the assessment district, at the owner's last known address as the same appears on the tax rolls of the City or on file in the office of the City Clerk, or to both addresses, if the address is not the same, or to general delivery when no address so appears, a statement containing a designation by street number or other description of the property assessed sufficient to enable the owner to identify the same, the amount of the assessment, the date of recordation of the assessment, the time and place of payment thereof, the effect of failure to pay within such

time, and a statement of the fact that bonds will be issued upon the unpaid assessments in the manner provided in the Improvement Bond Act of 1915, the last installment of which bonds shall mature not to exceed nineteen (19) years from the second day of September next succeeding twelve (12) months from their date, and that the applicable provisions of Part 11.1 of the Improvement Bond Act of 1915, providing an alternative procedure for the advance payment of assessments and calling of bonds, shall apply. The bonds shall bear interest at not to exceed twelve percent (12%) per annum, with principal and interest to be reasonably amortized, and the proceeds to be invested and interest thereon paid into the improvement fund of the assessment district.

16. The Finance Director shall also cause Notice to Pay Assessments to be published once a week for two successive weeks in the Lodi Sentinel, a newspaper published and circulated in the City, that the assessment has been recorded, and that all sums assessed thereon are due and payable immediately, and that the payment of those sums is to be made within thirty (30) days after the date of recording the assessment, which date shall be stated in the notice, and of the fact that bonds will be issued upon unpaid assessments as above provided.

DATED: April 17, 1996

I, JENNIFER M. PERRIN, City Clerk of the City of Lodi, do hereby certify that Resolution No. 96-33 was passed and adopted at a regular meeting of the City Council of the City of Lodi, held April 17, 1996, by the following vote:

AYES: Councilmembers - **Mann, Pennino, Sieglock
and Warner (Mayor)**

NOES: Councilmembers - **Davenport**

ABSENT: Councilmembers - **None**

ABSTENTIONS: Councilmembers - **None**


JENNIFER M. PERRIN, City Clerk